

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN MICHAUD,

Plaintiff,

vs.

ROBERT BANNISTER *et al.*,

Defendants.

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2:08-cv-01371-RCJ-PAL

ORDER

Plaintiff John Michaud is a prisoner at the Southern Desert Correctional Center (“SDCC”) proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court dismissed his claims as variously time-barred and moot. The Court of Appeals affirmed in part, reversed in part, and remanded for further proceedings as to Eighth Amendment damages claims arising out of the alleged denial of cataract surgery in 2007 and 2008.

Plaintiff has filed a Motion to Compel (ECF No. 26) and a Motion to Set a Trial Date (ECF No. 30). First, the motion to compel is moot, as the injury complained of has been rectified, i.e., Defendants have agreed to place into Plaintiff’s inmate account the amount previously deducted for the costs of the appeal. Second, setting a trial date would be premature. As Defendants note, no discovery has yet taken place. Defendants suggest the Court should solicit a discovery plan and scheduling order.

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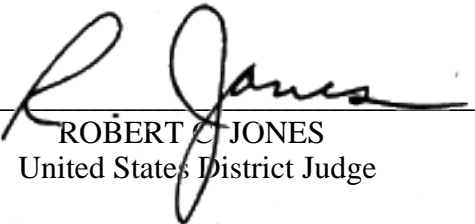
CONCLUSION

IT IS HEREBY ORDERED that the Motions to Compel and Set a Trial Date (ECF Nos. 26, 30) are DENIED.

IT IS FURTHER ORDERED that the parties shall submit a proposed discovery plan and scheduling order no later than August 21, 2011.

IT IS SO ORDERED.

Dated this 22nd day of July, 2011.



ROBERT C. JONES
United States District Judge